

REMARKS

Claims 1-12 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 and 3-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant has amended the pending claims to address these objections. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 101

Claims 1-11 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

For the results to be tangible, the Examiner notes that it would need to output to a user, be displayed to a user, stored for later use, or used in any tangible manner. Claim 1 has been amended to recite that the parameters are stored in a memory device of the measurement system. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3-7, 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,847,859 (Nuebling). This rejection is respectfully traversed.

Applicant's invention relates to a method for the automatic parameterization (=calibration) of measuring systems to figure out system parameters (see claim 4) which are needed for the subsequent (normal) operation of the measuring system. Thus, the present invention describes a method for installing or setting-up a measuring system. Once the measuring system is parameterized/calibrated/installed/set-up, subsequent (volume) measurement of objects transported by means of a transport device may be carried out.

For automatic parameterization, at least one image of a test object is detected by at least one sensor. The image is at least one-dimensional and comprises picture elements. The dimensions of the test object are known at least in part to the measuring system. The detected image of the test object together with the knowledge about the dimensions of the test object allows determining the system parameters.

The prior art document cited by the Examiner (Nuebling et al.), however, does not deal with the parameterization/calibration/installation/setting-up of a measuring system. Indeed, it is completely silent about this. Rather, Nuebling et al. relates to a method of locating articles (=objects).

Nuebling et al. does not disclose a test object (having known dimensions). Contrary to the Examiner's opinion, articles 20, 20', 20" are no test objects. The dimensions of the articles 20, 20', 20" are not known to the evaluation device 18 (only a

type of shape is known). The dimensions of the articles 20, 20', 20" are to be determined by the method described in Nuebling et al. Nuebling et al. does not disclose determining system parameters from the image and the known dimensions of the test object. Contrary to the Examiner's opinion, the coordinates X, Y are not determined in this way. The coordinates X, Y are not determined at all but are given. Thus, the method according to claim 1 of the present application and the method according to Nuebling et al. are completely different and only have in common that for both methods laser scanners may be used. Therefore, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over Nuebling. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

ALLOWABLE SUBJECT MATTER

The Examiner has indicated that Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form including all of the limitations of the base claim and any intervening claim. Applicant respectfully acknowledges the Examiner's indication of the allowable claims. Applicant elects to defer rewriting the objected to claims until the Examiner has considered Applicant's arguments.

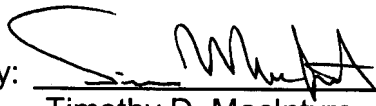
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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